

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT D.N.,

Plaintiff,

Civil Case No. 23-12313

v.

Commissioner of Social Security,

Sean F. Cox

United States District Court Judge

Defendant.

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ORDER
ADOPTING REPORT AND RECOMMENDATION
AND REMANDING MATTER TO COMMISSIONER OF SOCIAL SECURITY

Plaintiff Robert D.N. filed action seeking judicial review of Defendant Commissioner's final decision denying his application for disability insurance under Title II of the Social Security Act and supplemental security income under Title XVI of the Social Security Act.

The matter was referred to Magistrate Judge Anthony Patti for determination of all non-dispositive motions under 28 U.S.C. § 636(b)(1)(A) and issuance of a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Thereafter, the parties filed cross-motions for summary judgment.

In An Amended Report and Recommendation ("R&R") issued on August 31, 2024, the magistrate judge recommends that the Court: 1) deny the Commissioner's motion; 2) grant Plaintiff's motion; and 3) "REMAND this matter to the Commissioner of Social Security for action consistent with this recommendation, including a more thorough and accurate consideration of Plaintiff's February 2019 MRIs (ECF No. 5-1, PageID.662-663, 958-961) in

general, and including but not limited to a new and explicit consideration of all findings at the C5-6, C6-7 and L5-S1 levels in particular.” (ECF No. 22, the R&R, at 4).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. The Court hereby ADOPTS the August 31, 2024 R&R.

IT IS ORDERED that the Commissioner’s Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Summary Judgment is GRANTED and the Court REMANDS this matter to the Commissioner of Social Security for action consistent with this recommendation, including a more thorough and accurate consideration of Plaintiff’s February 2019 MRIs (ECF No. 5-1, PageID.662-663, 958-961) in general, and including but not limited to a new and explicit consideration of all findings at the C5-6, C6-7 and L5-S1 levels in particular.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 16, 2024